IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 14897 of 2007(W)

PETITIONER:

MANJUSHA K., III BAMS STUDENT,
PARASSINIKADAVU AYURVEDA MEDICAL COLLEGE,
KANNUR-670 563.

BY ADV. SRI.ASOK M.CHERIAN

RESPONDENTS:

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1. THE KANNUR UNIVERSITY,
REPRESENTED BY ITS REGISTRAR, KANNUR.

2. THE CONTROLLER OF EXAMINATIONS,
KANNUR UNIVERSITY, KANNUR.

BY ADV. SRI.M.SASEENDRAN,SC,KANNUR UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/05/2007 ALONG WITH W.P.(C)NO.14898 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)Nos.14897 & 14898 of 2007

Dated this the 25th day of May, 2007

JUDGMENT

Since common reliefs have been sought for in these two writ petitions, they are being disposed of through this common judgment.

2. Petitioners are students in 3rd year BAMS (Bachelor of Ayurvedic Medicine and Surgery) in Parassinikadavu Ayurveda Medical College which is affiliated to the Kannur University. The 3rd year University examination is scheduled to commence from June 6, 2007. However, petitioners face the prospect of being disallowed to write the examination since they have not passed the entire papers in the second year course. While petitioner in Writ Petition No.14897 of 2007 is yet to pass the examination in 'Charaka Samhitha' (Poorvardham), the petitioner in Writ Petition No.14898 of 2007 is yet to pass the examination in 'Rasasasthra and Baishajya Kalpana'. It is the admitted position that only those students who have passed all the papers in first and second

year examinations will be eligible to write the 3rd year examination. It is also not in dispute that the petitioners have made a request to the University for revaluation of the papers in which they have failed. Those applications are admittedly pending before the University.

3. I have heard learned counsel for the petitioners and learned Standing Counsel for the University.

4. It is submitted by learned Standing Counsel after getting instructions from the University that it may not be possible for the University to get the two papers revalued before the commencement of the examination. He also points out that the papers may have to be sent to a third valuer, if there is a difference of more than 5% in the marks after revaluation; which again may result in further delay. The grievance of the petitioners is that they are likely to lose one academic year, if they are not allowed to write the 3rd year examination.

5. In the peculiar facts and circumstances, I am satisfied that these writ petitions can be disposed of with the following directions:

a) The University shall take expeditious steps to ensure that the two papers of the petitioners namely 'Charaka Samhitha (Poorvardham) of the petitioner in Writ Petition No.14897 of 2007 and 'Rasasasthra and Baishajya Kalpana' of the petitioner in Writ Petition No.14898 of 2007 are revalued as expeditiously as possible, at any rate, within two months from today. The result of revaluation shall be communicated to the petitioners without any delay.

b) Petitioners shall be allowed to appear for the 3rd year examination which is scheduled to commence from June 6, 2007 or any other subsequent date, provisionally subject to the result of the revaluation. If

the petitioners fail to secure pass marks even after the revaluation, the papers in the 3rd year examination which they are allowed to write provisionally will be treated as invalid. In other words, the petitioners will have to write the same examination again.

(c) The University shall accept the examination fee from the petitioners ignoring the delay, if it is remitted by them within seven days from today.

Writ petitions are disposed of in the above terms.

A.K.BASHEER, JUDGE

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